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Chair: Mr. Iwasawa

Contents

Consideration of reports submitted by States parties under article 40 of the Covenant (*continued*)

Seventh periodic report of Norway

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The meeting was called to order at 3 p.m.

Consideration of reports submitted by States parties under article 40 of the Covenant (*continued*)

Seventh periodic report of Norway (CCPR/C/NOR/7; CCPR/C/NOR/QPR/7)

1. *At the invitation of the Chair, the delegation of Norway took places at the Committee table.*

2. **Mr. Rotevatn** (Norway), introducing his country's seventh periodic report (CCPR/C/NOR/7), said that the framework for the protection of human rights in Norway had been strengthened considerably in recent years. In 2014, a new human rights catalogue had been incorporated into the Constitution. It established a number of fundamental rights, including most of those enshrined in the Covenant. The new provisions were intended to be interpreted in the light of the international human rights instruments that had inspired them. They enjoyed the highest possible status in the hierarchy of norms.

3. In July 2015, a new national human rights institution had been established. It operated in full compliance with the principles relating to the status of national institutions for the promotion and protection of human rights (Paris Principles) and had been awarded an "A" status accreditation. In January 2017, the Gáldu Resource Centre for the Rights of Indigenous Peoples, which monitored the protection of Sami rights, had been integrated into the national human rights institution. Since its establishment, the national human rights institution had submitted two annual reports to the Storting (parliament).

4. In June 2017, the Storting had adopted a new, comprehensive Equality and Anti-Discrimination Act, which prohibited discrimination on the grounds of, inter alia, gender, ethnicity, religion or belief, disability, sexual orientation or gender identity, and age. In addition, it prohibited discrimination on the basis of any combination of those individually prohibited grounds. The Equality and Anti-Discrimination Tribunal monitored the enforcement of the Act and had the power to impose fines and to award compensation in cases relating to discrimination in the workplace. The Equality and Anti-Discrimination Ombudsman would no longer handle complaints, but would instead act as a proactive agent for equal opportunities.

5. In 2017, the Mental Health Care Act had been amended to establish that patients who had the capacity to consent could no longer be treated against their will unless they were at serious risk of suicide or posed a serious danger to the life or health of others. In addition, the Act, as amended, established that patients were entitled to up to five hours of free legal counsel in connection with complaints concerning examinations and treatments performed without their consent and that each use of coercion had to be assessed in consultation with the patient as soon as possible after it had ended. A committee had been set up to review national legislation on the use of coercion in the health-care and care sectors in terms of, inter alia, its conformity with the country's international obligations.

6. The Research Council of Norway had awarded a grant of NKR 15 million to fund a research project on the use of involuntary measures. The project would focus on geographical differences in the use of involuntary measures and on strategies for reducing referrals to specialized health-care services. Furthermore, an e-learning training course would be developed for the staff of health-care facilities and appeal bodies.

7. The regulations governing the use of police custody cells stipulated that detained persons should be transferred to a prison facility within 48 hours of their arrival at a police custody cell. Owing to increased prison capacity and the introduction of new guidelines and procedures, the number of breaches of the 48-hour rule had fallen from 4,250 in 2013 to 639 in 2017. In addition, the average duration of such breaches had fallen.

8. Beginning in 2005, the State authorities and the Sámediggi (the Sami parliament) had concluded political agreements to formalize their consultation processes. Several such consultation processes took place each year. The Government intended to present a bill to the Storting later in 2018 in order to enshrine those processes in law. In that connection, Norway wished to clarify its understanding of consultation and its interpretation of the concept of free, prior and informed consent. Article 27 of the Covenant and the

Committee's interpretation of that article were central elements of Sami policy in Norway. However, although measures that would amount to a denial of a community's right to enjoy its own culture would be incompatible with that article, a general requirement to obtain agreement or the free, prior and informed consent of a particular community could not be derived from existing international instruments.

9. As part of a new political platform on effective migration presented in January 2018, the Government had made a commitment to overhaul its integration and inclusion policy. The Government aimed to launch a new integration strategy by the end of 2018. The strategy would provide for measures to integrate immigrants and to prevent negative social influence over young people from immigrant backgrounds.

10. **Mr. Heyns** said that the State party was to be commended on its recent efforts to strengthen the protection of the rights enshrined in the Covenant. Those efforts included a 2012 amendment to the Constitution concerning the role of the Church of Norway. However, although the Lutheran faith was no longer recognized in the Constitution as the "official religion of the State", it continued to enjoy a privileged position in relation to other religions. In addition, freedom of religion as such was not recognized in the human rights catalogue incorporated into the Constitution in 2014. In that context, he wondered to what extent the full separation of Church and State was an ideal towards which the State party aspired.

11. He wished to know whether the powers granted under the 2016 amendments to the Police Act and the Criminal Procedure Act would be used as part of efforts to anticipate criminal activity. On a related point, he would be grateful if the delegation could provide information on the Government's proposal to develop a system for bulk data retention and comment on the possible impact of such a system on the enjoyment of the right to privacy.

12. **Mr. Muhumuza** said that that Committee was concerned by the State party's maintenance of its reservations to the Covenant. With regard to its reservation to article 10 (2) (b) and (3) of the Covenant, which concerned the separation of juvenile accused persons and juvenile offenders from adults, the State party had taken the position that, given the small number of juvenile prisoners in its territory, their separation from adults would result in their total isolation. In that connection, he wished to know whether the trial project that the State party had initiated to establish a separate unit for juvenile prisoners was still ongoing and what measures had been taken to ensure its long-term viability. In addition, he would be grateful if the delegation could comment further on the risk of isolation, indicate how a balance was struck between that risk and the rights of juveniles and explain the purpose of the State party's continued maintenance of the reservation in question.

13. In support of its reservation to article 14 (5) of the Covenant, which concerned the right to have a conviction and sentence reviewed by a higher tribunal, the State party had explained that the national judicial system included a court of impeachment, which was a special court for handling criminal cases against members of the Government, the Storting and the Supreme Court, with no right of appeal. It was unclear what safeguards were in place to ensure that persons brought before that court enjoyed all necessary judicial guarantees, what efforts were being made to prevent injustice in its work and, ultimately, why it was necessary to try political leaders under a special procedure. In that connection, he would appreciate further information on the possible implications of the provisions of the Criminal Procedure Act that denied a defendant who had been acquitted in the first instance but convicted by an appellate court the right to a review of the assessment of evidence relating to the question of his or her guilt.

14. He would appreciate more information on the State party's reservation to article 14 (7) of the Covenant, which concerned a person's right not to be tried or punished again for an offence for which he or she had already been finally convicted or acquitted, as the *non bis in idem* served to prevent double jeopardy.

15. The State party reasoned that it could not lift its reservation to article 20 (1) of the Covenant, which concerned propaganda for war, as an obligation to prohibit such propaganda would, inter alia, undermine freedom of expression. He wondered whether the State party's decision to maintain that reservation had been informed by the Committee's general comment No. 11 on prohibition of propaganda for war and inciting national, racial

or religious hatred, in which it was stated explicitly that article 20 (1) did not prohibit advocacy of the sovereign right of self-defence or the right of peoples to self-determination and independence in accordance with the Charter of the United Nations, and what steps had been taken to ensure respect for the purpose and objective of article 20 (1). Once again, it was unclear what the State party stood to gain from maintaining the reservation in question.

16. The Committee urged the State party to ensure that the national human rights institution was independent and that it was adequately resourced and was granted adequate investigative powers to discharge its mandate effectively.

17. **Ms. Jelić** said that she wished to know how many cases of hate speech and hate crimes had been reported; how many such cases had resulted in charges and convictions; whether the comprehensive strategy against hate speech launched in November 2016 had been effective; whether all the measures for which it provided had been fully implemented; and, in the context of the State party's obligations under article 14 of the Convention for the Protection of Human Rights and Fundamental Freedoms (European Convention on Human Rights), whether association with a national minority was recognized as a motivation for hate speech.

18. With regard to the strategy against hate speech, it would be useful to learn how frequently the reference group set up to provide input on its content met, when the text of the strategy would be translated into North Sami and English and when the associated information material for children and young people would be translated into Northern Sami. Concerning the Stop Hate Speech campaign, it was unclear whether the national youth network against hate speech had been established, as had been proposed, and, if it had, what the outcomes of its work had been.

19. She would appreciate updated statistics, for 2016 and 2017, on the number of reported hate crimes motivated by ethnicity. With regard to section 21 of the Immigration Act, she wondered on what grounds police officers had the power to conduct identity checks on persons thought to be foreign nationals, whether those grounds were set out in the text of the Act and what measures were permitted of police officers in their exercise of that power.

20. She wished to know how the complaints of discrimination on the basis of ethnicity made against the Norwegian customs service in the previous five years had been dealt with and what measures had been taken to ensure the systematic collection and registration of comprehensive, reliable and standardized data on hate speech. In addition, it would be helpful if the delegation could indicate what efforts had been made to ensure that police districts were able to respond adequately to cases of hate speech and hate crimes and whether the commendable experience of Oslo police district in that regard had been replicated in other parts of the country.

21. She would appreciate information on the number of people with immigrant backgrounds who had made use of housing subsidies and on any measures taken to evaluate the effectiveness of both the Housing for Welfare strategy and the corresponding guide. She would like to hear about the measures taken to ensure the effective integration of people with immigrant backgrounds into the labour market, including details of the Job Opportunity scheme.

22. She wished to know whether the State party had a legal definition of multiple discrimination as a wrongful act and if so, whether there were specific provisions for the corresponding punishment. She would be interested to hear more about the role of women with immigrant backgrounds in equality-promoting activities and about the implementation of the Action Plan to Promote Equality and Prevent Ethnic Discrimination. In addition, she would welcome information on the steps taken to reduce the wage gap between men and women and on the increased funding given to the Girls and Technology project, which promoted careers in science for young women.

23. **Ms. Kran** said that she would like to know what was being done to ensure that transgender people received the same level of health care as other citizens, and whether consideration was being given to the possibility of ensuring public funding for gender-reassignment surgery.

24. It would be helpful to have an account of the measures taken to address the high acquittal rate for rape cases and of how the 2016 escalation plan for combating violence and sexual abuse would eliminate the barriers faced by rape victims in the justice system. She would appreciate information on the number of allegations of rape which had been brought before the courts and on how many such cases resulted in convictions. She would welcome details of the measures taken to prevent violence against Sami women, including information on steps to reduce the linguistic and cultural barriers between officials and Sami women in that context. She would like to know whether the State party planned to revise the definition of rape so that it focused on the lack of consent; she also wished to know how many convictions had resulted from the prosecution of lesser sexual offences, as provided for under section 297 of the Penal Code.

25. It would be useful to learn more about the research on domestic violence which Norway had undertaken recently. In addition, it would be interesting to hear about the possibility of establishing a policy framework for dealing with domestic violence. Lastly, the Committee would welcome information on training to eliminate the stereotypes found in the justice system, associated with the victims of domestic and sexual assault.

26. **Mr. Shany** said that he would appreciate clarification on the mandate of the Equality and Anti-discrimination Ombudsman; specifically, he would like to hear the delegation's comments on the recommendations issued by the Council of Europe Commissioner for Human Rights, including those regarding the Ombudsman's ability to provide assistance and legal representation to the victims of discrimination.

27. **Mr. Heyns** said that he would welcome the delegation's comments on reports of the disappearance of numerous unaccompanied asylum-seeking minors and the possible link to human trafficking. Although a medical assessment was required to justify the application of electroconvulsive treatment to persons with disabilities, there was no requirement regarding the independence of the physician delivering the assessment. In addition, the use of coercive force on patients with disabilities was regulated by guidelines, rather than by a formal legislative framework. He would appreciate the delegation's observations on the situation.

The meeting was suspended at 4 p.m. and resumed at 4.20 p.m.

28. **Mr. Rotevatn** (Norway) said that the Covenant was fully incorporated into domestic legislation, making article 18 on the right to freedom of thought, conscience and religion directly applicable. In addition, article 16 of the Constitution broadly provided for the freedom of religion. The full separation of Church and State was indeed an ideal for which the country was striving. However, it had been the King's express wish that article 4, which stipulated Evangelical Lutheranism as the official religion of the monarch, be retained in the Constitution.

29. Compliance with the right to privacy was a central consideration for the Government. Plans were under way to appoint a commission to assess the surveillance methods available to the police in the context of that right. Bulk access to cable-bound communication was an ongoing topic of discussion in the light of developments in the areas of transnational threats, globalization, technology and human rights law. The Government was working on a new legal framework for the surveillance of such communication by the national intelligence service. Access to cable-bound communication was crucial to the country's defence capabilities, but it was also essential that such access should be compliant with human rights standards.

30. Norway upheld its reservation regarding article 10 (2 (b) and 3). However, the Government had complied with the Committee's recommendation to keep juvenile detainees separate from adults, and the country's two juvenile detention units were sufficient to accommodate the low number of underage detainees in the system.

31. The national human rights institution was fully independent; neither Government nor Parliament could instruct the institution regarding operational or substantive matters, and its mandate was to protect human rights in accordance with the Constitution and international law. The institution, whose staff numbered 16, was legally required to ensure that its personnel had a broad range of expertise, including on the rights of indigenous

peoples and minority groups. Funding for the institution, which was a dedicated item in the national budget, had consistently and significantly increased since its establishment in 2015.

32. **Ms. Birabwa Haveland** (Norway) said that hate speech motivated by association with a national minority fell within the scope of the national strategy against hate speech. The reference group appointed to work on the strategy had plans to meet in early 2018, and the text of the strategy had been translated into English and North Sami. Several measures, including the organization of conferences and the launch of a special website, had been implemented to combat hate speech.

33. **Mr. Austad** (Norway) said that 549 cases of hate crime had been reported to the police in 2017. However, because the process for reporting the crime was still not fully developed, such statistics were not yet conclusive. That said, the Oslo police department, which was conducting cutting-edge work on the issue, had established a formal group to deal with hate crime.

34. In 2016, 175 cases of hate speech or of violence motivated by hatred had been registered in Oslo, which led the way in terms of registration of such offences; not all police districts had the same capacity. The analysis showed that hate crimes did not systematically target a particular group but were directed at individuals and groups of varying kinds. The quality of the statistics produced should improve with time. The fact that court cases were being brought against the perpetrators of hate speech showed that the police were responding to complaints. In 2016 no such cases had been dismissed for lack of police capacity. Action had been taken on all cases, though some had been closed for lack of evidence.

35. On the question of ethnic profiling in the enforcement of the provisions of section 21 of the Immigration Act governing foreign nationals' presence in the country, he said that police could request proof of identity only where the time, place and situation gave appropriate grounds for a check and they had reason to believe the person was in fact a foreign national. They could not do so simply on the basis of the person's appearance. Regardless of ethnicity, checks must be conducted in a proper manner. Basic training equipped the police to deal with social groups of all kinds with respect and consideration.

36. **Ms. Haare** (Norway) said that a strategy on "Housing for welfare" had been launched in 2014 with the aim of providing all citizens with decent housing and in particular ensuring an adequate supply of rental housing for the more disadvantaged in the housing market. The target was a 10 per cent increase in the amount of rental accommodation by 2020 and supply had risen steadily since 2014. One result was that 81 per cent of immigrants now received accommodation six months after obtaining their residence permit. A midterm evaluation was under way and another would be conducted in 2020. No specific figures were available for the number of persons with an immigrant background receiving housing allowances. In all around 95,000 households had received such allowances in 2017.

37. **Mr. Knudsen** (Norway) said that, under proposed amendments to the Introduction Act governing induction schemes for immigrants, the Introduction Programme would be more job oriented. The programme could be extended for up to three years if that was considered likely to improve a person's employment prospects. The Programme had been evaluated in October 2017 and the Act was to be thoroughly reviewed in 2018.

38. The goal of the Norwegian Language Training and Social Studies scheme was to provide adult immigrants with sufficient language skills to find employment and take part in society. The 2018 budget allocated nearly NKR 3 million to additional training for teachers. The Job Opportunity Programme had been allocated NKr 120 million in the 2018 budget and the scheme was currently being evaluated.

39. The Government had commissioned the Norwegian Agency for Quality Assurance in Education, which was responsible for recognition of foreign qualifications, to develop a web portal to ensure that clear information was available to those seeking authorization to work in a regulated profession. A supplementary education scheme for refugees with foreign degrees had also been launched.

40. **Ms. Birabwa Haveland** (Norway) said that multiple discrimination was now formally prohibited under the new equality and discrimination legislation. The Equality and Anti-Discrimination Tribunal was authorized to award compensation for discrimination in employment. The wage differential between women and men had narrowed since 2015, when the average wage for women had been 85.3 per cent of that for men; in 2017 the figure had risen to 86.7 per cent. In addition to the procedures and mechanisms described in the report, she said that the Government was also looking into the methods Iceland had used to address the gender pay gap. The Government continued to support the Girls and Technology programme and intended to implement it nationwide.

41. **Ms. Hellevik** (Norway) said that lesbian, gay, bisexual and transsexual (LGBT) persons had the same rights to health care as everyone else in Norway. The group as a whole enjoyed good health, albeit with certain particularities, such as higher rates of psychiatric problems, suicidal behaviour and substance abuse. There was limited information specifically on the health of transsexual persons. Issues that had arisen in respect of the medical treatment and rights of transgender persons had prompted a re-evaluation of the approaches used and the Directorate of Health was working on guidelines for the treatment of persons with gender dysphoria or gender incongruence. In addition, the service and competence structures were being reviewed and the Government was considering a set of suggestions recently provided by an expert panel for the improvement of health care for LGBT persons.

42. **Mr. Rotevatn** (Norway) said that his Government was very concerned at the underreporting of rape. According to a 2014 study, 9.4 per cent of women and 1.1 per cent of men had been subjected to rape at some point in their life. Only 10.5 per cent of the women had reported the case to the police. Another study had shown that a large majority of victims felt ashamed or felt they had been to blame. Such findings clearly demonstrated the need to send clear messages about the gross violation that a rape represented and about the assailant's responsibility.

43. The police placed great emphasis on seeking immediate assistance and reporting as soon as possible, not least in order to preserve important evidence. Every police district now had a support centre for victims of crime and 23 local medical reception centres for rape victims had their own websites. Such centres provided intersectional assistance to victims and relatives, as well as legal support. Efforts to increase the visibility of violence had resulted in a sharp rise in the number of reported cases of domestic violence and rape. Alongside prevention campaigns targeting young men in particular, a new government action plan was to be launched in 2018, focusing particularly on younger men's attitudes and fostering respect for their own and others' integrity, but also aiming at improving police investigation of rape, providing support measures for victims and coordinating responses from official agencies.

44. As to the definition of rape, his Government believed that section 291 of the General Civil Penal Code captured most possible situations of non-consensual sexual acts. Moreover, the penalties provided for, ranging from 3 to 15 years' imprisonment, were very severe for a country with a traditionally liberal and humane penal system. Any behaviour not covered by section 291 would fall within the scope of section 297, which made it an offence to perform sexual acts with persons who had not given their consent, although the penalties were less severe. A proposal on the definition of rape from members of Parliament was currently before the Standing Committee on Justice and the Government would assess the situation when Parliament had taken a decision.

45. **Ms. Knotten** (Norway) said that research suggested that abused individuals from minorities might experience particular cultural or linguistic challenges in dealing with support services, which might have the effect of preventing them from reporting violence. A recent study by the Norwegian Centre for Violence and Traumatic Stress Studies, of experience in providing services to Sami women affected by violence, had demonstrated the importance of victims being able to communicate in their own language when speaking to officials. Cultural considerations such as the traditional view that Sami women were required to be strong, or that the individual was secondary to family and community, might also dissuade victims from reporting abuse. Relevant ministries were now looking at measures to deal with the challenges raised by the study.

46. One component of the escalation plan for combating violence and sexual abuse was further research into violence in Sami areas. The plan was to run from 2017 to 2021 and follow-up would be conducted in close cooperation with the Sami Parliament. In addition, an allocation of NKr 2 million per year had been made to research into the health consequences of domestic violence and NKr 6 million per year to research, under the action plan to combat negative social control, into the underlying causes, and the extent and consequences, of domestic violence, as well as the experience of services working with victims and the work of NGOs. The Ministry of Justice was considering whether to propose a new action plan on domestic violence.

47. The Norwegian courts took rape and gender-based violence extremely seriously and special training was provided, both by the Courts Administration and by individual courts, in procedural, legal and ethical issues, particularly those raised by difficult cases where conflicting evidence was presented. The court system also included nearly 50,000 lay judges, who were ordinary people from all walks of life. A lay judge had no knowledge of the specific case being tried or the area of law involved in the case. The prosecution and the defence were required to argue the case and instruct the judge and the lay judges in the relevant substantive law in order to help them reach a correct decision.

48. **Ms. Birabwa Haveland** (Norway) said that the Equality and Anti-Discrimination Ombudsman was empowered to take cases to court, including to ordinary courts, on behalf of victims.

49. **Mr. Austad** (Norway) said that his Government regarded the disappearance of minors from reception centres for asylum seekers as a serious issue. Nevertheless, all the indications were that they tended to leave of their own free will rather than at the instigation of some other party with criminal intentions. It was important to bear in mind that residence in such centres was voluntary. The number of children disappearing from reception centres had increased over the past few years and there had been some disturbances due to longer processing times. In addition, the number of children being granted limited residence permits, which expired when the child turned 18, had increased, which had led some children to abandon their reception centres for fear of forced return. The Government had taken several measures to improve the situation, such as improving the quality and quantity of the staff at its reception centres and settling the cases of minors with limited residence permits more quickly.

50. Regarding rape cases, he wished to add that the Government had repealed its jury system so that, in the future, rape cases subject to appeal after proceedings in district courts would no longer be heard by a jury, but rather in a different form of court. Many rape cases heard in district courts ended in convictions, but the accused were often acquitted in the court of appeal. However, he did not know whether the court of appeal applied more stringent criteria regarding the burden of proof than district courts, so he was not yet able to say whether more rape cases would lead to sentencing in the future. With regard to the training of prosecution services in how to deal with rape cases, in 2016, the Norwegian prosecutor-general had ordered the country's 10 district public prosecutor's offices to systematically review several hundred cases involving rape and domestic abuse to assess the quality of the investigations carried out as part of those cases. Their review revealed that the quality of police interviewing had improved, but that there was much room for further improvement in general.

51. **Ms. Hellevik** (Norway) said that, in June 2017, the Directorate of Health had published national guidelines on the use of electroconvulsive therapy stressing that the therapy could not be performed without valid, written consent from the patient, except in emergency situations in which the life or health of the patient was in immediate danger. The rules regulating the use of electroconvulsive therapy were not written into Norwegian law, but were included in possible amendments to the Mental Health Care Act. A legislation committee had been appointed to review whether electroconvulsive therapy should ever be performed without prior consent. If the committee decided that it was permissible to perform the therapy without prior consent in certain emergency situations, then the wording used to write the appropriate provisions into the Mental Health Care Act would have to be carefully considered and set out very stringent criteria. Although a clearer

legal basis for the use of electroconvulsive therapy might seem like a good thing, it could lead a higher incidence of the therapy being performed without prior consent.

52. **Mr. Kjeldsberg** (Norway), responding to the questions put by Mr. Muhumuza regarding reservations to the Covenant, said that the court of impeachment was regulated by the Constitution and specific legislation. Its remit was limited to breaches of the Constitution by members of the Storting, members of the Government and Supreme Court justices. There were no plans to reform the system. With regard to the Criminal Procedure Act, cases were reviewed by at least two courts, but that there was no further review of the evidence in relation to the issue of guilt by the Supreme Court. Furthermore, the Government maintained its reservation to article 14 (7) because of issues arising from its incompatibility with the Norwegian system for reopening criminal cases. However, he wished to point out that the principle of *non bis id idem* was an integral part of Norwegian criminal procedure, both in domestic law and in relation to the additional protocols to the European Convention on Human Rights.

53. In relation to article 20 (1), the Government maintained that it would be problematic to prohibit all propaganda for war, as such an act would undermine freedom of speech. In addition, formulating appropriate limitations to the scope of such a prohibition would pose considerable difficulties.

54. **Ms. Birabwa Haveland** (Norway) said that the Government was aware that Sami women were exposed to violence more often than ethnic Norwegian women. The Government provided a number of services through which Sami women who were victims of violence could seek help. For example, under Norwegian legislation, every municipality in the country, including in traditionally Sami areas, was required to provide shelter to all victims of gender-based violence. The Government employed family counselling service officers and funded support centres for victims of sexual abuse in every county. Family counselling services had been strengthened since 2014, in order to provide help to families experiencing violence in close relationships. Furthermore, a Government website containing information for victims of rape and gender-based violence entitled "Your Way Out" had been translated into North Sami. Following reports that the Sami population faced specific challenges when interacting with the police and support services, the Government was looking into specific cases where Sami peoples were not provided with appropriate services.

55. **Ms. Hellevik** (Norway), responding to a question put by Mr. Heyns, said that, in 2017, a number of amendments had been made to the Mental Health Care Act, many of which dealt with issues surrounding involuntary treatment, in response to concerns raised by users' organizations. Under the revised Act, the attending health-care professional was now required to consult with another health-care professional before making a decision on involuntary treatment. The two consulting health-care professionals were not required to be professionally independent of one another, but it was preferable that at least one of them should have long-term knowledge of the patient's case. A legislation committee had been tasked with reviewing the Mental Health Care Act and its amendments. The committee would consider whether any changes had to be made to the Act, including its provisions on involuntary treatment, to ensure full respect for human rights.

56. **Mr. Heyns** said that he understood that Norwegian children up to age of 18 had access to welfare, but that foreign children seeking asylum had access to welfare only up to the age of 15. He was interested to know why that was the case.

57. Turning to the issue of surveillance, he understood that it was the State party's position that its surveillance programmes were unproblematic from the human rights perspective. Nevertheless, the fact that the Norwegian police was permitted to hack citizens' computers even if those citizens could not reasonably be suspected of having committed a crime raised a number of questions. Furthermore, the indiscriminate collection of data transmitted by cable or satellite and their subsequent storage for an undetermined, potentially indefinite period of time raised a number of questions regarding the right to privacy. He wondered whether the delegation could comment on the question of whether the issue of surveillance did give rise to human rights problems and, if so, how the right to security could be reconciled with the right to privacy.

58. **Ms. Jelić** said that she had read reports indicating that a high proportion of Sami men and women experienced discrimination on the basis of their ethnicity and that discrimination against Sami children occurred in kindergartens, where there was an insufficient number of teachers capable of teaching in a Sami language. Sami children had the right to be taught about their traditions and history in their native languages. Moreover, all children in Norway should have basic knowledge of Sami cultures. She wished to know what steps the State party was taking to address those issues.

59. Immigrants and ethnic minorities experienced discrimination when it came to renting accommodation in the State party. According to reports from civil society, rental contracts drawn up for immigrants and ethnic and national minorities typically contained less favourable conditions than contracts drawn up for other Norwegian tenants. Immigrants also lacked awareness of their rights as a result of language barriers. She wondered whether the State party had taken steps to provide immigrants with information on their rights in a language that they understood, specifically regarding their right to bring complaints of discrimination in the tenancy market before the Equality and Anti-discrimination Ombudsman. Furthermore, as a follow-up to the questions put by Mr. Shany, she wished to know whether the Equality and Anti-discrimination Ombudsman had ever used its right to represent complainants before the court in discrimination cases. It was her understanding that it lacked the sufficient human and financial resources to do so.

60. **Mr. Muhumuza** said that, according to article 14 (5) of the Covenant, everyone convicted of a crime had the right to his or her conviction and sentence being reviewed by a higher tribunal according to the law. There was an important distinction to be drawn between convictions and trials. If a person was tried in the courts and found not guilty, but was then found guilty in an appellate court, the decision of the appellate court would constitute the first conviction. Article 14 (5) established the right to a review of the first conviction, not the first trial. The State party should therefore reconsider whether its practice was in keeping with the Covenant.

61. **Mr. Rotevatn** (Norway), responding to the questions put by Mr. Heyns, said that Norway had an age-adjusted reception offer for children seeking asylum. Unaccompanied minors between the ages of 15 and 18 were offered care and accommodation in special reception centres, but only children under the age of 15 were offered accommodation in care centres managed by the Child Welfare Service, because younger children generally required a higher level of care than older children. The different type of care offered to children under the age of 15 therefore served a legitimate purpose and did not constitute discrimination. If an unaccompanied minor over the age of 15 required additional care, adjustments could be made in the reception centre to meet that minor's special needs. In addition, the Child Welfare Act applied to all children in Norway, including unaccompanied minors in reception centres; employees of reception centres were therefore required to report any concerns they might have with regard to all children seeking asylum to the municipal authorities.

62. Under Norwegian intelligence legislation, the national intelligence services were permitted to intercept data transmitted by satellite with a view to identifying foreign threats to national security, but were not permitted to track the activity of Norwegian citizens as that fell within the remit of the police. The intelligence services' activities were compliant with the Covenant and the European Convention on Human Rights and were subject to review by an independent body of the Storting. The Government was still exploring its options in terms of the collection of data in bulk and was mindful of the need to balance the country's security needs and its obligations under international human rights instruments.

63. **Mr. Megard** (Norway), responding to the questions put by Ms. Jelić, said that the Government was aware of the discrimination felt by the Sami peoples. The Government had long been trying to resolve problems arising from issues of ethnicity through its policy initiatives. The curriculum taught in Norwegian kindergartens contained modules relating to Sami history and culture. Under Norwegian law, the municipal authorities in Sami areas were required to ensure that education was provided in Sami languages. The Sami-language requirements of the municipal authorities in other areas were less strict. Most schools found it difficult to recruit teachers. The Government had therefore decided to prioritize capacity-building and continued training, which included training in Sami languages. For example, a

5-year Master's degree in teaching in Sami languages would be offered at certain universities as of 2018 and resources had been spent on attracting more students to Sami-language and teaching courses. In addition, the Ministry of Local Government and Modernization ran a programme through which it selected young members of the Sami communities to travel around Norway teaching secondary school pupils about Sami culture.

The meeting rose at 6.00 p.m.